

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE

Case

04-CA-292961

Date Filed

3-28-22

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

GT-USA Wilmington, LLC

b. Tel. No.

(b) (6), (b) (7)(C)

c. Cell No.

(b) (6), (b) (7)(C)

f. Fax No.

(b) (6), (b) (7)(C)

g. e-mail

h. Number of workers employed  
300+

d. Address (Street, city, state, and ZIP code)

1 Hausel Road,  
Wilmington, DE, 19801

e. Employer Representative

(b) (6), (b) (7)(C)

i. Type of Establishment (factory, mine, wholesaler, etc.)

Automotive, Aviation, and Marine

j. Identify principal product or service

Marine Cargo

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) **subsection (3) and Section (7)** of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the last 6 months, the above-named employer, by its officers, agents, and representatives, has discriminated against employee (b) (6), (b) (7)(C) by barring (b) (6), (b) (7)(C) from the workplace because of (b) (6), (b) (7)(C) membership in, and/or activities on behalf of ILA local 1694 and 1884. The (b) (6), (b) (7)(C) made (b) (6), (b) (7)(C) aware that they had nothing to do with (b) (6), (b) (7)(C) being banned from the port, (b) (6), (b) (7)(C) certification being withdrawn without a cause, which denied (b) (6), (b) (7)(C) employment wherever PMTA has a contract. This goes against a letter, dated February 22, 2022, (b) (6), (b) (7)(C) received from the (b) (6), (b) (7)(C) of the ILA, which gave (b) (6), (b) (7)(C) the right to work wherever PMTA has a contract, so (b) (6), (b) (7)(C) is to contact (b) (6), (b) (7)(C) and the ILA. This also goes against the PMTA (b) (6), (b) (7)(C), which gives (b) (6), (b) (7)(C) the right to go back to work once (b) (6), (b) (7)(C) passes (b) (6), (b) (7)(C) which (b) (6), (b) (7)(C) did, with no further action taken, so it is clearly prejudiced and discriminatory, as I am (b) (6), (b) (7)(C).

## 3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

4e. e-mail

(b) (6), (b) (7)(C)

## 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

## 6. DECLARATION

(b) (6), (b) (7)(C)

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

(or person making charge)

(Print/type name and title or office, if any)

Tel. No.

(b) (6), (b) (7)(C)

Office, if any, Cell No.

Fax No.

Address

(b) (6), (b) (7)(C)

Date

3/24/2022

(b) (6), (b) (7)(C)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658



Download  
NLRB  
Mobile App

March 28, 2022

(b) (6), (b) (7)(C)

Re: GT-USA Wilmington, LLC  
Case 04-CA-292961

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on March 28, 2022 has been docketed as case number 04-CA-292961. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner KATHLEEN O'NEILL whose telephone number is (215)597-7645. If this Board agent is not available, you may contact Supervisory Attorney NOELLE M. REESE whose telephone number is (215)597-0729.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Correspondence:** All documents submitted to the Region regarding your case MUST be filed through the Agency's website, [www.nlrb.gov](http://www.nlrb.gov). This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlrb.gov](http://www.nlrb.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Thomas Goonan". The signature is written in a cursive style with a large, stylized 'T' and 'G'.

Thomas Goonan  
Regional Director



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

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March 28, 2022

(b) (6), (b) (7)(C)

1 Hausel Road  
Wilmington, DE 19801

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Case 04-CA-292961

Dear (b) (6), (b) (7)(C):

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**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas Goonan".

Thomas Goonan  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

## QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 04-CA-292961
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## 1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

## 2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )

## 3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
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## 4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

## 5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

## 6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

## 7A. PRINCIPAL LOCATION:

## 7B. BRANCH LOCATIONS:

## 8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

## A. TOTAL:

## B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES \_\_\_\_\_)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

## 10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

## 11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
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## 12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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## PRIVACY ACT STATEMENT

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**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**GT-USA WILMINGTON, LLC**

Charged Party

and

**(b) (6), (b) (7)(C)**

Charging Party

**Case 04-CA-292961**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on March 28, 2022, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

**(b) (6), (b) (7)(C)**

1 Hausel Road  
Wilmington, DE 19801

March 28, 2022

\_\_\_\_\_  
Date

Renai J. Warren, Designated Agent of  
NLRB

\_\_\_\_\_  
Name

/s/ Renai J. Warren

\_\_\_\_\_  
Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658

April 5, 2022

(b) (6), (b) (7)(C)

1 Hausel Road  
Wilmington, DE 19801

Re: GT-USA Wilmington, LLC  
Case 04-CA-292961

Dear (b) (6), (b) (7)(C):

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Thomas Goonan  
Regional Director

cc: (b) (6), (b) (7)(C)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST LABOR ORGANIZATION  
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case <b>04-CB-275261</b>	Date Filed <b>4/7/21</b>

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name Local ILA 1694		b. Union Representative to contact  Eric L Dorsey Title: Business Agent	
c. Address (Street, city, state, and ZIP code)  200 S Claymont Street DE Wilmington 19899		d. Tel. No. (302) 652-5204	e. Cell No.
		f. Fax No.	g. e-Mail dorsey1694@aol.com
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(A) _____ of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  --See additional page--			
3. Name of Employer Port Of Wilmington GT USA		4a. Tel. No. (302) 472-7678	b. Cell No.
		c. Fax No.	d. e-Mail
5. Location of plant involved (street, city, state and ZIP code) 1 Hausel Road DE Wilmington 19801			6. Employer representative to contact Micheal Hall Title: Chief Operations Officer
7. Type of establishment (factory, mine, wholesaler, etc.)	8. Identify principal product or service	9. Number of workers employed	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No.
		c. Fax No.	d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)			
<b>12. DECLARATION</b> I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief. (b) (6), (b) (7)(C) By _____ (b) (6), (b) (7)(C) (signature of representative or person making charge) (Print/type name and title or office, if any) Title: (b) (6), (b) (7)(C) Address _____ (date) 04/06/2021 08:02:34 PM		Tel. No. (b) (6), (b) (7)(C) Cell No. Fax No. e-Mail (b) (6), (b) (7)(C)	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

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## **Basis of the Charge**

### **8(b)(1)(A)**

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to process the Charging Party's grievance for arbitrary or discriminatory reasons or in bad faith.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

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April 7, 2021

Eric L Dorsey, Business Agent  
ILA Local 1694  
200 S Claymont Street  
Wilmington, DE 19899

Re: Local ILA 1694  
(Port of Wilmington GT USA)  
Case 04-CB-275261

Dear Mr. Dorsey:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner KATHLEEN O'NEILL whose telephone number is (215)597-7645. If this Board agent is not available, you may contact Supervisory Examiner CARA L. FIES-KELLER whose telephone number is (215)597-7636.

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In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to



April 7, 2021

your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlrb.gov](http://www.nlrb.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Thomas Goonan". The signature is written in a cursive, flowing style.

Thomas Goonan  
Regional Director

Enclosure: Copy of Charge

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**LOCAL ILA 1694 (PORT OF WILMINGTON GT  
USA)**

Charged Party

and

**(b) (6), (b) (7)(C)**

Charging Party

**Case 04-CB-275261**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION**

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 7, 2021, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Eric L Dorsey, Business Agent  
ILA Local 1694  
200 S Claymont Street  
Wilmington, DE 19899

April 7, 2021

Date

Jane Peterson, Designated Agent of NLRB

Name

/s/ Jane Peterson

Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658



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April 7, 2021

(b) (6), (b) (7)(C)

Re: Local ILA 1694  
(Port of Wilmington GT USA)  
Case 04-CB-275261

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on April 07, 2021 has been docketed as case number 04-CB-275261. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner KATHLEEN O'NEILL whose telephone number is (215)597-7645. If this Board agent is not available, you may contact Supervisory Examiner CARA L. FIES-KELLER whose telephone number is (215)597-7636.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Correspondence:** All documents submitted to the Region regarding your case MUST be filed through the Agency's website, [www.nlrb.gov](http://www.nlrb.gov). This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlrb.gov](http://www.nlrb.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

April 7, 2021

We can provide assistance for persons with limited English proficiency or disability.  
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas Goonan".

Thomas Goonan  
Regional Director



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658



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April 7, 2021

Michael Hall, Chief Operations Officer  
Port of Wilmington GT USA  
1 Hausel Road  
Wilmington, DE 19801

Re: Local ILA 1694  
(Port of Wilmington GT USA)  
Case 04-CB-275261

Dear Mr. Hall:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner KATHLEEN O'NEILL whose telephone number is (215)597-7645. If this Board agent is not available, you may contact Supervisory Examiner CARA L. FIES-KELLER whose telephone number is (215)597-7636.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.



If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

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April 7, 2021

your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas Goonan".

Thomas Goonan  
Regional Director

Enclosures

1. Copy of Charge
2. Commerce Questionnaire

## QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 04-CB-275261
-----------	-----------------------------

## 1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

## 2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )

## 3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
--	--

## 4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

## 5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

## 6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

## 7A. PRINCIPAL LOCATION:

## 7B. BRANCH LOCATIONS:

## 8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES )

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

## 10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

## 11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
------	-------	----------------	-------------

## 12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
--------------------------------	-----------	----------------	------

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 Penn Square East  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658

May 20, 2021

Lance Geren, Esquire  
Jacqueline Canzoneri, Esquire  
O'Donoghue & O'Donoghue, LLP  
325 Chestnut Street, Suite 600  
Philadelphia, PA 19106

Re: ILA Local 1694  
(Port of Wilmington GT USA)  
Case 04-CB-275261

Dear Mr. Geren and Ms. Canzoneri:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas Goonan", is written over a solid black rectangular background.

Thomas Goonan  
Regional Director

cc: Eric L. Dorsey, Business Agent  
ILA Local 1694  
200 S. Claymont Street  
Wilmington, DE 19899

(b) (6), (b) (7)(C)

Michael Hall, Chief Operations Officer  
Port of Wilmington GT USA  
1 Hausel Road  
Wilmington, DE 19801

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST LABOR ORGANIZATION  
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case <b>04-CB-276323</b>	Date Filed <b>4/28/21</b>

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name International Longshoremen's Association Local 1694		b. Union Representative to contact  Willaim Ashe Jr.  Title: President	
c. Address (Street, city, state, and ZIP code)  200 S. Claymont St. DE Wilmington 19801		d. Tel. No. (b) (6), (b) (7)(C)	e. Cell No.
		f. Fax No.	g. e-Mail (b) (6), (b) (7)(C)
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(A) _____ of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  --See additional page--			
3. Name of Employer GT USA Wilmington		4a. Tel. No. (302) 562-7216	b. Cell No.
		c. Fax No.	d. e-Mail mphilips@gulfatiner.com
5. Location of plant involved (street, city, state and ZIP code) 1 Hausel Road DE Wilmington 19801-5852		6. Employer representative to contact Mike Phillips Title:	
7. Type of establishment (factory, mine, wholesaler, etc.)	8. Identify principal product or service	9. Number of workers employed	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No.
		c. Fax No.	d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)			
12. DECLARATION I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief. By (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (s) _____ (Print/type name and title or office, if any) Title: (b) (6), (b) (7)(C) Address _____ (date) 04/28/2021 12:25:54 PM		Tel. No. (b) (6), (b) (7)(C) Cell No. Fax No. e-Mail (b) (6), (b) (7)(C)	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

## **Basis of the Charge**

### **8(b)(1)(A)**

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to process the Charging Party's grievance for arbitrary or discriminatory reasons or in bad faith.





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 E Penn Square  
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Philadelphia, PA 19107

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Telephone: (215)597-7601  
Fax: (215)597-7658



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April 29, 2021

William Ashe JR., President  
International Longshoremen's Association  
Local 1694  
200 S. Claymont St.  
Wilmington, DE 19801

Re: International Longshoremen's Association  
Local 1694 (GT USA Wilmington)  
Case 04-CB-276323

Dear Mr. Ashe:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner KATHLEEN O'NEILL whose telephone number is (215)597-7645. If this Board agent is not available, you may contact Supervisory Examiner CARA L. FIES-KELLER whose telephone number is (215)597-7636.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

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**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

April 29, 2021

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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April 29, 2021

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas Goonan".

Thomas Goonan  
Regional Director

Enclosure: Copy of Charge

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**INTERNATIONAL LONGSHOREMEN'S  
ASSOCIATION LOCAL 1694 (GT USA  
WILMINGTON)**

Charged Party

and

**(b) (6), (b) (7)(C)**

Charging Party

**Case 04-CB-276323**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION**

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 29, 2021, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

William Ashe JR., President  
International Longshoremen's Association  
Local 1694  
200 S. Claymont St.  
Wilmington, DE 19801

April 29, 2021

Date

Jane Peterson, Designated Agent of NLRB

Name

/s/ Jane Peterson

Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

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Fax: (215)597-7658



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Mobile App

April 29, 2021

(b) (6), (b) (7)(C)

Re: International Longshoremen's Association  
Local 1694 (GT USA Wilmington)  
Case 04-CB-276323

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on April 28, 2021 has been docketed as case number 04-CB-276323. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner KATHLEEN O'NEILL whose telephone number is (215)597-7645. If this Board agent is not available, you may contact Supervisory Examiner CARA L. FIES-KELLER whose telephone number is (215)597-7636.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

April 29, 2021

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Correspondence:** All documents submitted to the Region regarding your case MUST be filed through the Agency's website, [www.nlrb.gov](http://www.nlrb.gov). This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlrb.gov](http://www.nlrb.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.



April 29, 2021

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Thomas Goonan". The signature is written in a cursive, flowing style.

Thomas Goonan  
Regional Director



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658



Download  
NLRB  
Mobile App

April 29, 2021

Mike Phillips  
GT USA Wilmington  
1 Hausel Road  
Wilmington, DE 19801-5852

Re: International Longshoremen's Association  
Local 1694 (GT USA Wilmington)  
Case 04-CB-276323

Dear Mr. Phillips:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner KATHLEEN O'NEILL whose telephone number is (215)597-7645. If this Board agent is not available, you may contact Supervisory Examiner CARA L. FIES-KELLER whose telephone number is (215)597-7636.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

April 29, 2021

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Correspondence:** All documents submitted to the Region regarding your case MUST be filed through the Agency's website, [www.nlrb.gov](http://www.nlrb.gov). This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

April 29, 2021

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas Goonan".

Thomas Goonan  
Regional Director

Enclosures

1. Copy of Charge
2. Commerce Questionnaire

**QUESTIONNAIRE ON COMMERCE INFORMATION**

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 04-CB-276323
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**1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)****2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )**3. IF A CORPORATION or LLC**

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
--	--

**4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).**

7A. PRINCIPAL LOCATION:	7B. BRANCH LOCATIONS:
-------------------------	-----------------------

**8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. TOTAL:	B. AT THE ADDRESS INVOLVED IN THIS MATTER:
-----------	--

**9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES )**

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
------	-------	----------------	-------------

**12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE**

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
--------------------------------	-----------	----------------	------

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 Penn Square East  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658

August 13, 2021

(b) (6), (b) (7)(C)

Re: International Longshoremen's Association  
Local 1694 (GT USA Wilmington)  
Case 04-CB-276323

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that International Longshoremen's Association Local 1694 has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that Local 1694, International Longshoremen's Association (Local 1694) breached its duty of fair representation by refusing to process your discharge grievance to arbitration for arbitrary or discriminatory reasons or in bad faith in violation of Section 8(b)(1)(A) of the Act. The investigation disclosed that you were discharged because the Employer alleged that you were involved in a theft of fuel. Specifically, the investigation disclosed that you were assigned to operate and monitor the gas pumps when you permitted another employee, who was not authorized to take fuel on that particular day, to obtain fuel for (b) (6), personal vehicle. The Employer filed criminal charges against both of you for theft of fuel. Following your termination, you filed a grievance over your discharge with Local 1694-1. Local 1694-1 then processed your grievance and filed for arbitration. On or about March 12, 2021, the International Longshoremen's Association informed the members of Local 1694-1 that it was dissolving Local 1694-1 and you were merged into Local 1694. In late March 2021, Local 1694 informed you that it had decided not to take your grievance to arbitration. Although you allege that Local 1694 decided not to proceed to arbitration because you filed jurisdictional grievances in August 2020 claiming that the Employer was improperly assigning work to Local 1694 rather than to Local 1694-1, there was insufficient evidence that your protected activities motivated the decision not to proceed to arbitration. The investigation disclosed that the Local 1694 Executive Board voted not to proceed to arbitration on your grievance based on its belief that the Union would not prevail at arbitration. Local 1694 considered the facts that that you and the other employee involved were being criminally prosecuted and the other employee involved in the fuel

incident admitted that (b)(7) took the fuel when (b)(7) was not working. Finally, Local 1694 considered the Employer's past practice of not tolerating theft in another case.

A union is not required to process every grievance to arbitration, and the law permits the union to make reasonable judgments in this regard. *Humphrey v. Moore*, 375 U.S. 335 (1964); *Ford Motor Co. v. Huffman*, 345 U.S. 330, 338 (1953). The investigation disclosed insufficient evidence that Local 1694 refused to proceed to arbitration based on any arbitrary, discriminatory or bad faith considerations in violation of its duty of fair representation. *Vaca v. Sipes*, 386 U.S. 171 (1967). Accordingly, I am refusing to issue complaint in this matter.

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at [www.nlrb.gov](http://www.nlrb.gov). See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at [www.nlrb.gov](http://www.nlrb.gov). If you require additional assistance with E-Filing, please contact [e-Filing@nlrb.gov](mailto:e-Filing@nlrb.gov).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

**Appeal Due Date:** The appeal is due on **Friday, August 27, 2021**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than Thursday, August 26, 2021. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

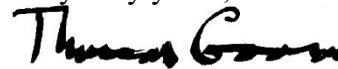
**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before Friday, August 27, 2021**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlrb.gov](http://www.nlrb.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after Friday, August 27, 2021, **even if**

August 13, 2021

**it is postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,



Thomas Goonan  
Regional Director

Enclosure

cc: William Ashe, President  
International Longshoremen's Association  
Local 1694  
200 S. Claymont Street  
Wilmington, DE 19801

Lance Geren, Esquire  
O'Donoghue & O'Donoghue, LLP  
325 Chestnut Street, Suite 600  
Philadelphia, PA 19106

Mike Phillips  
GT USA Wilmington  
1 Hausel Road  
Wilmington, DE 19801-5852



UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**APPEAL FORM**

To: General Counsel  
Attn: Office of Appeals  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

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Case Name(s).

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Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

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*(Signature)*

## E-FILING TO APPEALS

1. **Extension of Time:** This document is used when the Charging Party is asking for more time to efile an Appeal.
  - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
  - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
2. **File an Appeal:** If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
  - Only **one (1) Appeal** can be e-filed to **each** determination in the Region's decision letter that is received.
  - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
3. **Notice of Appearance:** Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
  - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
  - This document can be e-filed **before** an Appeal is e-filed.
4. **Correspondence:** Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
  - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
5. **Position Statement:** The Charging Party or Charged Party may e-file a Position Statement.
  - The Charging Party will e-file this document as a supplement of the Appeal.
  - The Charged Party will specifically file one to support the Region's decision.
  - This document should be e-filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
6. **Withdrawal Request:** If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.

- This document should be e-Filed **after** an **Extension of Time, Appeal** or **Notice of Appearance** has been e-filed.

A screenshot of a document selection menu. The menu is a vertical list with a light gray background and a thin blue border. It contains the following items: "Extension of Time Request" with a blue information icon to its right; "File an Appeal" with a blue plus icon to its left and a blue information icon to its right; "Notice of Appearance" with a blue information icon to its right; "Position Statement" with a blue information icon to its right; "Withdrawal Request" with a blue plus icon to its left and a blue information icon to its right; and "Correspondence" at the bottom without an icon.

Extension of Time Request ⓘ

+ File an Appeal ⓘ

Notice of Appearance ⓘ

Position Statement ⓘ

+ Withdrawal Request ⓘ

Correspondence

7. The selections of **Evidence** or **Other** should no longer be used.



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
OFFICE OF THE GENERAL COUNSEL  
Washington, DC 20570

August 31, 2021

(b) (6), (b) (7)(C)

Re: International Longshoremen's Association  
Local 1694 (GT USA Wilmington)  
Case 04-CB-276323

Dear (b) (6), (b) (7)(C):

We have received your timely appeal from the Region's decision in the above-captioned case. We will assign your appeal for processing in accordance with Agency procedures. Please be assured that our review of this matter will include a full analysis of the underlying investigatory file, your appeal, as well as current Board law and processes.

We will notify you and all involved parties of our decision by letter via email as permitted under Section 102.4(c) of the Board's *Rules and Regulations*. If an email address is not available for you, we will provide the decision by mail.

Sincerely,

Jennifer A. Abruzzo  
General Counsel

A handwritten signature in black ink that reads "Mark E. Arbesfeld". The signature is written in a cursive, slightly slanted style.

By: \_\_\_\_\_

Mark E. Arbesfeld, Director  
Office of Appeals

cc: THOMAS GOONAN  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS  
BOARD  
100 E PENN SQ STE 403  
PHILADELPHIA, PA 19107

WILLIAM ASHE, PRESIDENT  
INTERNATIONAL  
LONGSHOREMEN'S ASSOCIATION  
LOCAL 1694  
200 S CLAYMONT ST  
WILMINGTON, DE 19801

LANCE GEREN, ESQ.  
O'DONOGHUE & O'DONOGHUE, LLP  
325 CHESTNUT ST STE 600  
PHILADELPHIA, PA 19106

MIKE PHILLIPS  
GT USA WILMINGTON  
1 HAUSEL RD  
WILMINGTON, DE 19801-5852

cl



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
OFFICE OF THE GENERAL COUNSEL  
Washington, DC 20570

September 21, 2021

(b) (6), (b) (7)(C)

Re: International Longshoremen's Association  
Local 1694 (GT USA Wilmington)  
Case 04-CB-276323

Dear (b) (6), (b) (7)(C):

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied substantially for the reasons in the Regional Director's letter of August 13, 2021.

The charge alleges that the International Longshoremen's Association Local 1694 (Union) breached its duty of fair representation by refusing to arbitrate a grievance, in violation of Section 8(b)(1)(A) of the National Labor Relations Act. In that regard, while a union owes employees a duty of fair representation over disputes arising with an employer, a union is also afforded a wide range of discretion in carrying out this duty and a breach occurs only when the union's conduct is based upon arbitrary, irrelevant or discriminatory considerations. See *Vaca v. Sipes*, 386 U.S. 171 (1967); *Ford Motor Co. v. Huffman*, 345 U.S. 330 (1953). The Board has also held that a union's representative's duties at the pre-arbitral stages of a grievance are not the same as the duty owed by an attorney to a client or the duty of a union to be an advocate once an arbitration hearing starts. See, e.g., *Service Employees Local 579 (Convacare of Decatur)*, 229 NLRB 692 fn. 2 (1977).

We determined that the evidence disclosed by the investigation did not indicate that the Union handled your grievance in an arbitrary or discriminatory manner in violation of the Act. The evidence establishes that following your termination, Local 1694-1 processed your grievance. The Employer denied your grievance at Step 3, and Local 1694-1 filed for arbitration. However, on or about March 11, 2021—prior to the scheduled arbitration date, the International Longshoremen's Association dissolved Local 1694-1 and merged its members into the Charged Party Union. On or about March 18, 2021, the Union's Executive Board considered the facts underlying your grievance and voted not to arbitrate based on its good faith belief that it would not be successful. The Union subsequently informed you of its decision. While you may assert that the Union decided not to arbitrate because you filed jurisdictional grievances against the Union when you were still a Local 1694-1 member, there was insufficient evidence to establish that such protected activities motivated the Union's decision not to proceed to arbitration.

Rather, the evidence indicates that the Union's decision relied on the Employer's past practice of disciplining employees under similar circumstances. More importantly, such decision fell within the Union's wide range of discretion in carrying out its representational duty, which the Union properly exercised as your grievance was still at the pre-arbitral stage. Given these overall circumstances, we determined that the Union did not breach its duty of fair representation.

Accordingly, the appeal is denied.

Sincerely,

Jennifer A. Abruzzo  
General Counsel



By:

---

Mark E. Arbesfeld, Director  
Office of Appeals

cc: THOMAS GOONAN  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS  
BOARD  
100 E PENN SQUARE  
STE 403  
PHILADELPHIA, PA 19107

LANCE GEREN, ESQ.  
O'DONOGHUE & O'DONOGHUE, LLP  
325 CHESTNUT ST STE 600  
PHILADELPHIA, PA 19106

WILLIAM ASHE, PRESIDENT  
INTERNATIONAL  
LONGSHOREMEN'S ASSOCIATION  
LOCAL 1694  
200 S CLAYMONT ST  
WILMINGTON, DE 19801

MIKE PHILLIPS  
GT USA WILMINGTON  
1 HAUSEL RD  
WILMINGTON, DE 19801-5852

kh

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD		DO NOT WRITE IN THIS SPACE	
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		Case	Date filed
		04-CB-280810	8/2/21
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name	b. Union Representative to Contact		
ILA and its Locals 1694, 1883 and 1884	William Ashe Jr: President - Loc 1694		
	(b) (6), (b) (7)(C)		
c. Address	d. Tel. No.	e. Cell No.	
200 S. Claymont Street, Wilmington, DE 19801			
	f. Fax No.	g. e-Mail	
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) and (2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the National Labor Relations Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
Since about (b) (6), (b) (7)(C) 2021, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by operating a hiring hall in a manner that was arbitrary, discriminatory or in bad faith by not being willing to refer (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) because of personal animosity by the Union against (b) (6), (b) (7)(C).			
Since about (b) (6), (b) (7)(C) 2021, the above-named labor organization has attempted to cause and caused GT USA to not to use (b) (6), (b) (7)(C) work and (b) (6), (b) (7)(C) for reasons other than the failure to tender uniformly required initiation fees and periodic dues.			
3. Name of Employer	4a. Tel. No.	4b. Cell No.	
GT USA Wilmington, LLC	(302) 494-9797		
	4c. Fax No.	4d. e-Mail	
5. Location of Plant involved (street, city, state, and ZIP code)	6. Employer representative to contact		
1 Hausel Road, Wilmington, DE 19801	Tiffany Wiggins: Human Resources		
7. Type of Establishment (factory, mine, wholesaler)	8. Principal product or service	9. Number of Workers employed	
Dock	Dock work	200	
10. Full name of party filing charge	11a. Tel. No.	11b. Cell No.	
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	
	11c. Fax No.	11d. e-Mail	
		(b) (6), (b) (7)(C)	
11. Address of party filing charge (street, city, state, and ZIP code)			
(b) (6), (b) (7)(C)			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By:	(b) (6), (b) (7)(C)	Tel No.	
(signature of representative or person making charge)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	
	Printtype name and title or office, if any	Cell No.	
		(b) (6), (b) (7)(C)	
Address:	Date:	Fax No.	
(b) (6), (b) (7)(C)	7-28-21	e-Mail	
		(b) (6), (b) (7)(C)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses of the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



United States of America	Do Not Write In This Space	
National Labor Relations Board	Case	Date Filed
Charge Against Labor Organization Or It's Agents		
Instructions: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.		

# 1. LABOR ORGANIZATIONS OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name:  
ILA and It's Locals, 1694, 1883, and 1884

b. Union Representatives to Contact :  
William Ashe Jr. President - Loc 1694

(b) (6), (b) (7)(C)

c. Address:  
200 S. Claymont Street, Wilmington, DE, 19801

d. Tel No:

e. Cell No:

f. Fax No:

g. Email:

h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsections(s) (1) (A) and (2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

# 2. Basis of Charge

(b) (6), (b) (7)(C) would like to bring charges to the above-named organizations for unfair labor practices. As of March 11th, 2021, 1694-1 has been dissolved, and there is a merger by the ILA executive placing its members into 1694, 1883, and 1884, as they have the right to do so under Article 12, Section 4 of the ILA Constitution. The terms of the merger were not followed, as it stated that laborers should be placed into the labor union and checkers into the checker union, and everyone else into 1694, including (b) (6), (b) (7)(C). Under the Constitution, Article 18, Section 2 gives sole rights to the executive body to give directives in the way a merger or trusteeship should be executed, which did not occur as follows, due to unfair labor practices by 1694, 1883, and

1884, which denied (b) (6), (b) (7)(C) the right to be in the local of (b) (6), (b) (7)(C) craft, which the executive board requested. (b) (6), (b) (7)(C) has a letter from (b) (6), (b) (7)(C) dated March 16th, 2021, giving (b) (6), (b) (7)(C) the right to contest (b) (6), (b) (7)(C) position as a laborer, as (b) (6), (b) (7)(C) is an (b) (6), (b) (7)(C) along with two letters (b) (6), (b) (7)(C) wrote back to (b) (6), (b) (7)(C) which (b) (6), (b) (7)(C) replied to in a timely fashion. (b) (6), (b) (7)(C) response was to give (b) (6), (b) (7)(C) permission to investigate (b) (6), (b) (7)(C) complaint, but (b) (6), (b) (7)(C) has not received response from (b) (6), (b) (7)(C) and the situation remains unchanged.

3. Name of Employer:

GT USA Wilmington, LLC

4a. Tel No:

302-494-9797

4. Cell No:

4. e-Mail:

5. Location of plant involved:

1 Hausel Road, Wilmington, DE 19801

6. Employer Representative to Contact:

Tiffany Wiggins - Human Resources

7. Type of Establishment:

Dock

8. Identify principal product or service:

Dock Work

9. Number of Workers Employed:

200

10. Full name of the party filing charge:

(b) (6), (b) (7)(C)

11. Address of party filing charge:

(b) (6), (b) (7)(C)

11a. Tel No:

(b) (6), (b) (7)(C)

11b. e-Mail:

(b) (6), (b) (7)(C)

12. DECLARATION

I declare that I have read the above charge and that the statements therein

Are true to the best of my knowledge and belief.

By:

(signature of person making the charge)

(b) (6), (b) (7)(C)

(print/type name)

Tel No:

(b) (6), (b) (7)(C)

Cell No:

(b) (6), (b) (7)(C)

Email:

(b) (6), (b) (7)(C)

Address:

(b) (6), (b) (7)(C)

Date:

7-28-21



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658



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Mobile App

August 4, 2021

William Ashe, President  
ILA and its Local 1694, 1883 and 1884  
20 South Clement Street  
Wilmington, DE 19801

Re: ILA and its Locals 1694,1883 and 1884 (GT  
USA Wilmington, LLC)  
Case 04-CB-280810

Dear Mr. Ashe:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner KATHLEEN O'NEILL whose telephone number is (215)597-7645. If this Board agent is not available, you may contact Supervisory Attorney NOELLE M. REESE whose telephone number is (215)597-0729.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

August 4, 2021

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Correspondence:** All documents submitted to the Region regarding your case MUST be filed through the Agency's website, [www.nlrb.gov](http://www.nlrb.gov). This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

August 4, 2021

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlrb.gov](http://www.nlrb.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas Goonan".

Thomas Goonan  
Regional Director

Enclosure: Copy of Charge

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**ILA AND ITS LOCALS 1694,1883 AND 1884 (GT  
USA WILMINGTON, LLC)**

Charged Party

and

**(b) (6), (b) (7)(C)**

Charging Party

**Case 04-CB-280810**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION**

I, the undersigned employee of the National Labor Relations Board, state under oath that on August 4, 2021, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

William Ashe, President  
ILA and its Local 1694, 1883 and 1884  
20 South Clement Street  
Wilmington, DE 19801

August 4, 2021

Date

Jane Peterson, Designated Agent of NLRB

Name

/s/ Jane Peterson

Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658



Download  
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August 4, 2021

(b) (6), (b) (7)(C)

Re: ILA and its Locals 1694,1883 and 1884  
(GT USA Wilmington, LLC)  
Case 04-CB-280810

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on August 02, 2021 has been docketed as case number 04-CB-280810. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner KATHLEEN O'NEILL whose telephone number is (215)597-7645. If this Board agent is not available, you may contact Supervisory Attorney NOELLE M. REESE whose telephone number is (215)597-0729.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Correspondence:** All documents submitted to the Region regarding your case MUST be filed through the Agency's website, [www.nlrb.gov](http://www.nlrb.gov). This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlrb.gov](http://www.nlrb.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.



August 4, 2021

We can provide assistance for persons with limited English proficiency or disability.  
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas Goonan".

Thomas Goonan  
Regional Director



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658



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August 4, 2021

Tiffany Wiggins, Human Resources  
GT USA Wilmington, LLC  
1 Hausel Road  
Wilmington, DE 19801

Re: ILA and its Locals 1694,1883 and 1884 (GT  
USA Wilmington, LLC)  
Case 04-CB-280810

Dear Ms. Wiggins:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner KATHLEEN O'NEILL whose telephone number is (215)597-7645. If this Board agent is not available, you may contact Supervisory Attorney NOELLE M. REESE whose telephone number is (215)597-0729.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

August 4, 2021

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

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August 4, 2021

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



Thomas Goonan  
Regional Director

Enclosures

1. Copy of Charge
2. Commerce Questionnaire

## QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 04-CB-280810
-----------	-----------------------------

## 1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

## 2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )

## 3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
--	--

## 4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

## 5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

## 6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

## 7A. PRINCIPAL LOCATION:

## 7B. BRANCH LOCATIONS:

## 8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

## A. TOTAL:

## B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES \_\_\_\_\_)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

## 10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

## 11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
------	-------	----------------	-------------

## 12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
--------------------------------	-----------	----------------	------

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

Charge Against Labor Organization Or		
Instructions: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair		

1. LABOR ORGANIZATIONS OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name:

ILAand it's Locals, 1694, 1883, and 1884

b. Union Representatives to Contact:

William Ashe Jr: President - Local 1694

(b) (6), (b) (7)(C)

c. Address:

200 S. Claymont Street, Wilmington, DE, 19801

d. Tel No:

e. Cell No:

f. Fax No:

g. email:

h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsections(s) (1) (A) and (2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of Charge

(b) (6), (b) (7)(C) would like to bring charges to the above-named organizations for unfair labor practices. As of March 11th, 2021, 1694-1 has been dissolved, and there is a merger by the ILA executive, placing its members into 1694, 1883, and 1884, as they have the right to do so under Article 12, Section 4 of the ILA Constitution. The terms of the merger were not followed, as it stated that laborers should be placed into the labor union and checkers into the checker union, and everyone else into 1694, including (b) (6), (b) (7)(C). Under the Constitution, Article 18, Section 2 gives sole rights to the executive body to give directives in the way a merger or

trusteeship should be executed, which did not occur as follows, due to unfair labor practices by 1694, 1883, and by 1884, which denied (b) (6), (b) (7)(C) the right to be in the local of (b) (6) craft, which the executive board requested (b) (6), (b) (7)(C) has a letter from (b) (6), (b) (7)(C) dated March 16th, 2021, giving (b) (6), (b) (7)(C) the right to contest (b) (6) position as a laborer, as (b) (6), (b) (7)(C) is an (b) (6), (b) (7)(C), along with two letters (b) (6) wrote back to (b) (6), (b) (7)(C) which (b) (6) replied to in a timely fashion. (b) (6) response was to give (b) (6), (b) (7)(C) permission to investigate (b) (6), (b) (7)(C) complaint, but (b) (6), (b) (7)(C) has not received a response from (b) (6), (b) (7)(C) and the situation remains unchanged.

Remedy: To place into the union of my craft as (b) (6), (b) (7)(C), which is 1694, and also to get my PMIA union card that I have never received, which was promised to me by the merger. I would also like to get my retirement benefits paid into by GT-USA, as of 2018, I have not received a raise or any form of retirement benefits. I would also want them to give me my equal work, equal pay, and equal benefits which I won at the District Council Hearing on November 7th, 2018, but never received it to this day. I would like to receive the same benefits that the 1694 members are getting which are health benefits, annuity, vacation based on my seniority of 16 years, and my freedom of movement to work whenever and wherever I want. I would also want to continue working as a (b) (6), (b) (7)(C) in 1694, without being prejudiced against or kicked out of the hiring hall for trying to get a job as a (b) (6), (b) (7)(C) and without being told to throw away my casual card.

3. Name of Employer:

GTUSA Wilmington, LLC

4a. Tel No:

302-494-9797

4b. Cell No:

4c. e-Mail:

5. Location of plant involved:

1 Hausel Road, Wilmington, DE 19801

6. Employer Representative to Contact:

Tiffany Wiggins - Human Resources

7. Type of Establishment:

Dock

8. Identify principal product or service:

Dock Work

9. Number of Workers Employed;

200

10. Full name of the party filing charge:

(b) (6), (b) (7)(C)

11. Address of party filing charge;

(b) (6), (b) (7)(C)

11a. Tel No:

(b) (6), (b) (7)(C)

11b. e-Mail:

(b) (6), (b) (7)(C)

12. DECLARATION

I declare that I have read the above charge and that the statements therein  
Are true to the best of my knowledge and belief.

By: \_\_\_\_\_  
(signature of person making the charge) (print/type name)

Address: (b) (6), (b) (7)(C) Date: \_\_\_\_\_

Tel No: (b) (6), (b) (7)(C)

Cell No: (b) (6), (b) (7)(C)

Email: (b) (6), (b) (7)(C)



UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
<b>Amended CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS</b>		04-CB-280810	
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name ILA and its Local 1694, 1883 and 1884		b. Union Representative to Contact William Ashe President of Local 1694 and Vice President of ILA (International) <div style="background-color: black; color: white; padding: 5px; text-align: center;">(b) (6), (b) (7)(C)</div> Stephen Knott, Secretary Treasurer (International)	
c. Address for Locals 1694, 1883 and 1884: 20 South Clement Street, Wilmington, DE 19801  Address for International Longshoremen's Association: 5000 West Side Avenue, Suite 300, North Bergen, NJ 07047		d. Tel. No.  f. Fax No.	e. Cell No. <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div> g. e-Mail
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A), (2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since on or about <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div> 2021, the above-named labor organizations have restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by operating a hiring hall in a manner that was arbitrary, discriminatory or in bad faith by not being willing to refer <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div> for <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div> and <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div> because of personal animosity by the Union against him. Since about <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div> 2021, the above named labor organization has attempted to cause and caused GT USA to not use <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div> for <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div> and <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div> for reasons other than the failure to tender uniformly required initiation fees and periodic dues.			
3. Name of Employer GT USA Wilmington, LLC		4a. Tel. No.  4c. Fax No.	4b. Cell No.  4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 1 Hausel Road, Wilmington, DE 19801		6. Employer representative to contact Tiffany Wiggins Human Resources	
7. Type of Establishment (factory, mine, wholesaler) Port	8. Principal product or service Port services		9. Number of Workers employed
10. Full name of party filing charge <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div>	11a. Tel. No. <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div> 11c. Fax No.		11b. Cell No. <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div> 11d. e-Mail <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div>
11. Address of party filing charge (street, city, state, and ZIP code) <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div>			
12. DECLARATION			
I, <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div> declare that the above charge and that the statements therein are true to the best of my knowledge and belief.			
By: <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div> <small>(signature of representative of person making charge)</small>	<div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div> Print/type name and title or office, if any		Tel. No.  <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div> Cell No. <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div>
Address: <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div>	Date: 9/20/2021		Fax No.  e-Mail <div style="background-color: black; color: white; padding: 2px;">(b) (6), (b) (7)(C)</div>

UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
<b>Amended CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS</b>		04-CB-280810	9-21-21
<b>INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.</b>			
<b>1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT</b>			
a. Name ILA and its Local 1694, 1883 and 1884		b. Union Representative to Contact William Ashe President of Local 1694 and Vice President of ILA (International) <b>(b) (6), (b) (7)(C)</b> Stephen Knott, Secretary Treasurer (International)	
c. Address for Locals 1694, 1883 and 1884: 20 South Clement Street, Wilmington, DE 19801  Address for International Longshoremen's Association: 5000 West Side Avenue, Suite 300, North Bergen, NJ 07047		d. Tel. No.	e. Cell No. <b>(b) (6), (b) (7)(C)</b>
		f. Fax No.	g. e-Mail
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A), (2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since on or about <b>(b) (6), (b) (7)(C)</b> 2021, the above-named labor organizations have restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by operating a hiring hall in a manner that was arbitrary, discriminatory or in bad faith by not being willing to refer <b>(b) (6), (b) (7)(C)</b> for <b>(b) (6), (b) (7)(C)</b> and <b>(b) (6), (b) (7)(C)</b> because of personal animosity by the Union against him. Since about <b>(b) (6), (b) (7)(C)</b> 2021, the above named labor organization has attempted to cause and caused GT USA to not use <b>(b) (6), (b) (7)(C)</b> for <b>(b) (6), (b) (7)(C)</b> and <b>(b) (6), (b) (7)(C)</b> for reasons other than the failure to tender uniformly required initiation fees and periodic dues.			
3. Name of Employer GT USA Wilmington, LLC		4a. Tel. No.	4b. Cell No.
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 1 Hausel Road, Wilmington, DE 19801		6. Employer representative to contact Tiffany Wiggins Human Resources	
7. Type of Establishment (factory, mine, wholesaler) Port	8. Principal product or service Port services		9. Number of Workers employed
10. Full name of party filing charge <b>(b) (6), (b) (7)(C)</b>	11a. Tel. No. <b>(b) (6), (b) (7)(C)</b>	11b. Cell No. <b>(b) (6), (b) (7)(C)</b>	
	11c. Fax No.	11d. e-Mail <b>(b) (6), (b) (7)(C)</b>	
11. Address of party filing charge (street, city, state, and ZIP code) <b>(b) (6), (b) (7)(C)</b>			
<b>12. DECLARATION</b>			
I, <b>(b) (6), (b) (7)(C)</b> , declare that the above charge and that the statements therein are true to the best of my knowledge and belief.			
By: <b>(b) (6), (b) (7)(C)</b>	<b>(b) (6), (b) (7)(C)</b>	Tel. No. <b>(b) (6), (b) (7)(C)</b>	
(signature of representative or person making charge)	Print/type name and title or office, if any	Cell No. <b>(b) (6), (b) (7)(C)</b>	
Address: <b>(b) (6), (b) (7)(C)</b>	Date: 9/20/2021	Fax No. e-Mail <b>(b) (6), (b) (7)(C)</b>	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Charge Against Labor Organization Or		
Instructions: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair		

## 1. LABOR ORGANIZATIONS OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name:

ILA and it's Locals, 1694, 1883, and 1884

b. Union Representatives to Contact:

William Ashe Jr: President - Local 1694

(b) (6), (b) (7)(C)

c. Address:

200 S. Claymont Street, Wilmington, DE, 19801

d. Tel No:

e. Cell No:

f. Fax No:

g. email:

h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsections(s) (1) (A) and (2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of Charge

(b) (6), (b) (7)(C) would like to bring charges to the above-named organizations for unfair labor practices. As of March 11th, 2021, 1694-1 has been dissolved, and there is a merger by the ILA executive, placing its members into 1694, 1883, and 1884, as they have the right to do so under Article 12, Section 4 of the ILA Constitution. The terms of the merger were not followed, as it stated that laborers should be placed into the labor union and checkers into the checker union, and everyone else into 1694, including (b) (6), (b) (7)(C). Under the Constitution, Article 18, Section 2 gives sole rights to the executive body to give directives in the way a merger or

trusteeship should be executed, which did not occur as follows, due to unfair labor practices by 1694, 1883, and 1884, which denied (b) (6), (b) (7)(C) the right to be in the local of (b) (6) craft, which the executive board requested. (b) (6), (b) (7)(C) has a letter from (b) (6), (b) (7)(C) dated March 16th, 2021, giving (b) (6), (b) (7)(C) the right to contest (b) (6) position as a laborer, as (b) (6), (b) (7)(C) is an (b) (6), (b) (7)(C), along with two letters (b) (6), (b) (7)(C) wrote back to (b) (6), (b) (7)(C) which (b) (6) replied to in a timely fashion. (b) (6), (b) (7)(C) response was to give (b) (6), (b) (7)(C) permission to investigate (b) (6), (b) (7)(C) complaint, but (b) (6), (b) (7)(C) has not received a response from (b) (6), (b) (7)(C) and the situation remains unchanged.

Remedy: To place into the union of my craft as an (b) (6), (b) (7)(C) which is 1694, and also to get my PMTA union card that I have never received, which was promised to me by the merger. I would also like to get my retirement benefits paid into by GT-USA, as of 2018, I have not received a raise or any form of retirement benefits. I would also want them to give me my equal work, equal pay, and equal benefits which I won at the District Council Hearing on November 7th, 2018, but never received it to this day. I would like to receive the same benefits that the 1694 members are getting which are health benefits, annuity, vacation based on my seniority of 16 years, and my freedom of movement to work whenever and wherever I want. I would also want to continue working as a (b) (6), (b) (7)(C) in 1694, without being prejudiced against or kicked out of the hiring hall for trying to get a job as a (b) (6), (b) (7)(C) and without being told to throw away my casual card.

3. Name of Employer:

GT USA Wilmington, LLC

4a. Tel No:

302-494-9797

4b. Cell No:

4c. e-Mail:

5. Location of plant involved:

1 Hausel Road, Wilmington, DE 19801

6. Employer Representative to Contact:

Tiffany Wiggins - Human Resources

7. Type of Establishment:

Dock

8. Identify principal product or service:

Dock Work

9. Number of Workers Employed:

200

10. Full name of the party filing charge:

(b) (6), (b) (7)(C)

11. Address of party filing charge:

(b) (6), (b) (7)(C)

11a. Tel No:

(b) (6), (b) (7)(C)

11b. e-Mail:

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658



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September 22, 2021

Stephen Knott, Secretary-Treasurer  
International Longshoremen's Association  
5000 West Side Ave.  
Suite 300  
North Bergen, NJ 07047

Re: ILA and its Locals 1694,1883 and 1884 (GT  
USA Wilmington, LLC)  
Case 04-CB-280810

Dear Mr. Knott:

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Examiner KATHLEEN O'NEILL whose telephone number is (215)597-7645. If the agent is not available, you may contact Supervisory Attorney NOELLE M. REESE whose telephone number is (215)597-0729.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn



September 22, 2021

statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "Thomas Goonan". The signature is written in a cursive, flowing style.

Thomas Goonan  
Regional Director

Enclosure: Copy of first amended charge

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**ILA AND ITS LOCALS 1694,1883 AND 1884 (GT USA  
WILMINGTON, LLC)**

Charged Party

and

**(b) (6), (b) (7)(C)**

Charging Party

Case 04-CB-280810

**AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST LABOR ORGANIZATION**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **September 22, 2021**, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Stephen Knott, Secretary-Treasurer  
International Longshoremen's Association  
5000 West Side Ave.  
Suite 300  
North Bergen, NJ 07047

September 22, 2021

Date

Janet Jackson, Designated Agent of NLRB

Name

/s/ Janet Jackson

Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658



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September 22, 2021

Tiffany Wiggins, Human Resources  
GT USA Wilmington, LLC  
1 Hausel Road  
Wilmington, DE 19801

Re: ILA and its Locals 1694,1883 and 1884 (GT  
USA Wilmington, LLC)  
Case 04-CB-280810

Dear Ms. Wiggins:

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Examiner KATHLEEN O'NEILL whose telephone number is (215)597-7645. If the Board agent is not available, you may contact Supervisory Attorney NOELLE M. REESE whose telephone number is (215)597-0729.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, if the Board agent asks you for evidence with respect to the allegations in the first amended charge, I urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.



September 22, 2021

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "Thomas Goonan". The signature is written in a cursive, flowing style.

Thomas Goonan  
Regional Director

Enclosure: Copy of first amended charge



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

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Download  
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September 22, 2021

(b) (6), (b) (7)(C)

Re: ILA and its Locals 1694,1883 and 1884 (GT  
USA Wilmington, LLC)  
Case 04-CB-280810

Dear (b) (6), (b) (7)(C):

We have docketed the first amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Examiner KATHLEEN O'NEILL whose telephone number is (215)597-7645. If the agent is not available, you may contact Supervisory Attorney NOELLE M. REESE whose telephone number is (215)597-0729.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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September 22, 2021

written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas Goonan".

Thomas Goonan  
Regional Director



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658



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September 22, 2021

(b) (6), (b) (7)(C)

ILA, Local 1883  
200 S. Claymont St.  
Wilmington, DE 19801

(b) (6), (b) (7)(C)

ILA, Local 1884  
100 S Claymont St  
Wilmington, DE 19801

William Ashe, Pres. Local 1694 and VP ILA  
ILA Local 1694  
200 S Claymont St.  
Wilmington, DE 19801

Re: ILA and its Locals 1694,1883 and 1884 (GT  
USA Wilmington, LLC)  
Case 04-CB-280810

Dear Mr. Knott:

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Examiner KATHLEEN O'NEILL whose telephone number is (215)597-7645. If the agent is not available, you may contact Supervisory Attorney NOELLE M. REESE whose telephone number is (215)597-0729.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text

messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlrb.gov](http://www.nlrb.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

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Very truly yours,



Thomas Goonan  
Regional Director

Enclosure: Copy of first amended charge

Lance Geren Esquire  
Daniel J. Keenan, Esquire  
O'Donoghue & O'Donoghue, LLP  
325 Chestnut St Ste 600  
Philadelphia, PA 19106

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**ILA AND ITS LOCALS 1694,1883 AND 1884 (GT USA  
WILMINGTON, LLC)**

Charged Party

and

**(b) (6), (b) (7)(C)**

Charging Party

Case 04-CB-280810

**AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST LABOR ORGANIZATION**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **September 22, 2021**, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

**(b) (6), (b) (7)(C)**

ILA, Local 1883  
200 S. Claymont St.  
Wilmington, DE 19801

**(b) (6), (b) (7)(C)**

ILA, Local 1884  
100 S Claymont St  
Wilmington, DE 19801

William Ashe, Pres. Local 1694 and VP ILA  
ILA Local 1694  
200 S Claymont St.  
Wilmington, DE 19801

Lance Geren Esquire  
Daniel J. Keenan, Esquire  
O'Donoghue & O'Donoghue, LLP  
325 Chestnut St Ste 600  
Philadelphia, PA 19106

September 22, 2021

Date

Janet Jackson, Designated Agent of NLRB

Name

/s/ Janet Jackson

Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658



Download  
NLRB  
Mobile App

September 23, 2021

**(b) (6), (b) (7)(C)**

ILA, Local 1883  
200 S. Claymont St.  
Wilmington, DE 19801

**(b) (6), (b) (7)(C)** Local 1884

ILA, Local 1884  
200 S Claymont St  
Wilmington, DE 19801

**CORRECTED**

Stephen Knott, Secretary-Treasurer  
International Longshoremen's Association  
5000 West Side Ave.  
Suite 300  
North Bergen, NJ 07047

William Ashe, Pres. Local 1694 and VP ILA  
ILA Local 1694  
200 S Claymont St.  
Wilmington, DE 19801

Re: ILA and its Locals 1694,1883 and 1884 (GT  
USA Wilmington, LLC)  
Case 04-CB-280810

Gentlemen:

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Examiner KATHLEEN O'NEILL whose telephone number is (215)597-7645. If the agent is not available, you may contact Supervisory Attorney NOELLE M. REESE whose telephone number is (215)597-0729.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "Thomas Goonan". The signature is written in a cursive, flowing style.

Thomas Goonan  
Regional Director

Enclosure: Copy of first amended charge



ILA and its Locals 1694,1883 and 1884 (GT - 3 -  
USA Wilmington, LLC)  
Case 04-CB-280810

cc: Lance Geren, Attorney  
O'Donoghue & O'Donoghue, LLP  
325 Chestnut St Ste 600  
Philadelphia, PA 19106

Daniel J. Keenan, Esquire  
O'Donoghue & O'Donoghue, LLP  
325 Chestnut Street, Suite 600  
Philadelphia, PA 19106

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**ILA AND ITS LOCALS 1694,1883 AND 1884 (GT  
USA WILMINGTON, LLC)**

Charged Party

and

**(b) (6), (b) (7)(C)**

Charging Party

Case 04-CB-280810

**AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST LABOR  
ORGANIZATION**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **September 23, 2021**, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

**(b) (6), (b) (7)(C)**

ILA, Local 1883  
200 S. Claymont St.  
Wilmington, DE 19801

Lance Geren, ESQ., Attorney  
O'Donoghue & O'Donoghue, LLP  
325 Chestnut St Ste 600  
Philadelphia, PA 19106

Daniel J. Keenan, Esquire  
O'Donoghue & O'Donoghue, LLP  
325 Chestnut Street, Suite 600  
Philadelphia, PA 19106

**(b) (6), (b) (7)(C)**, Local 1884

ILA, Local 1884  
200 S Claymont St  
Wilmington, DE 19801

Stephen Knott, Secretary-Treasurer  
International Longshoremen's Association  
5000 West Side Ave.  
Suite 300  
North Bergen, NJ 07047

William Ashe, Pres. Local 1694 and VP ILA  
ILA Local 1694  
200 S Claymont St.  
Wilmington, DE 19801

,

September 23, 2021

James Kaminski, Designated Agent of  
NLRB

---

Date

---

Name

/s/ James Kaminski

---

Signature

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD**2nd Amended CHARGE AGAINST LABOR ORGANIZATION  
OR ITS AGENTS****DO NOT WRITE IN THIS SPACE**

Case

**04-CB-280810**

Date Filed

**3/28/22****INSTRUCTIONS:** File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.**1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT**

a. Name <b>ILA and its Local 1694 ,1883 and 1884</b>		b. Union Representative to contact	
c. Address (Street, city, state, and ZIP code) <b>200 South Claymont St, Wilmington, DE, 19801</b>		b. Union Representative to Contact <b>William Ashe, President of Local 1694</b> <b>(b) (6), (b) (7)(C)</b> <b>(b) (6), (b) (7)(C)</b> <b>Stephen Knotts, Secretary Treasurer</b> <b>(b) (6), (b) (7)(C)</b>	d. Tel. No. <b>(b) (6), (b) (7)(C)</b>
Address of International Longshoremen Association: <b>5000 West Side Avenue, Suite 300, North Bergen, NJ, 07047</b>		e. Cell No.	
		f. Fax No.	
		g. e-mail	

h. The above-named labor organization has engaged in and is engaging in unfair labor practices within the meaning of section 8(b) and (list subsections) **subsection (1)(A),(2)** of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

Since on or about **(b) (6), (b) (7)(C)** 2021, the above-named labor organizations have restrained and coerced employees in the exercise of rights protected by section 7 of the Act., by operating a hiring hall in a manner that was arbitrary, discriminatory, or in bad faith by not being willing to refer **(b) (6), (b) (7)(C)** for **(b) (6), (b) (7)(C)** and **(b) (6), (b) (7)(C)** because of personal animosity by the union against **(b) (6), (b) (7)(C)**. Since about **(b) (6), (b) (7)(C)** 2021, the above named labor organization has attempted to cause and caused GT-USA to not use **(b) (6), (b) (7)(C)** for **(b) (6), (b) (7)(C)** and **(b) (6), (b) (7)(C)** for reasons other than the failure to tend to uniformly required initiation fees and periodic dues. On **(b) (6), (b) (7)(C)** 2022, **(b) (6), (b) (7)(C)** has been barred from working at his job with GT-USA and the Delaware River Stevedores (DRS) under PMTA unlawfully by local 1694 **(b) (6), (b) (7)(C)** as security was called by the **(b) (6), (b) (7)(C)** to have **(b) (6), (b) (7)(C)** removed from the port. This violates the letter I received from the **(b) (6), (b) (7)(C)** which I received the right to work wherever PMTA has a contract, including GT-USA. This can be seen as discrimination, retaliation, unfair labor practices, prejudice, violation of the Constitution Article 4, and Article 5.2, as well as the PMTA **(b) (6), (b) (7)(C)** which gives me the right to go back to work after **(b) (6), (b) (7)(C)** no further actions needed.

3. Name of Employer <b>GT-USA Wilmington, LLC</b>	4a. Tel. No.	b. Cell No.	c. Fax No.
	d. e-mail		
5. Location of plant involved (street, city, state and ZIP code) <b>1 Hausel Road, Wilmington, DE, 19801</b>	6. Employer representative to contact <b>Tiffany Wiggins, Human Resources</b>		
7. Type of establishment (factory, mine, wholesaler, etc.) <b>Port</b>	8. Identify principal product or service <b>Port Services</b>	9. Number of workers employed	

10. Full name of party filing charge <b>(b) (6), (b) (7)(C)</b>			
11. Address of party filing charge (street, city, state and ZIP code) <b>(b) (6), (b) (7)(C)</b>	11a. Tel. No. <b>(b) (6), (b) (7)(C)</b>	b. Cell No. <b>(b) (6), (b) (7)(C)</b>	c. Fax No.
	d. e-mail <b>(b) (6), (b) (7)(C)</b>		

**12. DECLARATION**

**(b) (6), (b) (7)(C)** declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

**(b) (6), (b) (7)(C)**  
(Signature of representative or person making charge)

**(b) (6), (b) (7)(C)**  
(Print/type name and title or office, if any)

Tel. No.  
**(b) (6), (b) (7)(C)**

Cell No.  
**(b) (6), (b) (7)(C)**

Fax No.  
..

e-mail  
**(b) (6), (b) (7)(C)**

Address **(b) (6), (b) (7)(C)** Date **3/ 24/2022**

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

1. LABOR ORGANIZATIONS OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name:

ILA and it's Locals, 1694, 1883, and 1884

b. Union Representatives to Contact:

William Ashe Jr: President - Local 1694

(b) (6), (b) (7)(C)

c. Address:

200 S. Claymont Street, Wilmington, DE, 19801

d. Tel No:

e. Cell No:

f. Fax No:

g. email:

h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsections(s) (1) (A) and (2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of Charge

(b) (6), (b) (7)(C) would like to bring charges to the above-named organizations for unfair labor practices. As of March 11th, 2021, 1694-1 has been dissolved, and there is a merger by the ILA executive, placing its members into 1694, 1883, and 1884, as they have the right to do so under Article 12, Section 4 of the ILA Constitution. The terms of the merger were not followed, as it stated that laborers should be placed into the labor union and checkers into the checker union, and everyone else into 1694, including (b) (6), (b) (7)(C). Under the Constitution, Article 18, Section 2 gives sole rights to the executive body to give directives in the way a merger or trusteeship should be executed, which did not occur as follows, due to unfair labor practices by 1694, 1883, and 1884, which denied (b) (6), (b) (7)(C) the right to be in the local of (b) (6), (b) (7)(C) craft, which the executive board requested. (b) (6), (b) (7)(C) has a letter from (b) (6), (b) (7)(C) dated March 16th, 2021, giving (b) (6), (b) (7)(C) the right to contest (b) (6), (b) (7)(C) position as a (b) (6), (b) (7)(C) as (b) (6), (b) (7)(C) is an (b) (6), (b) (7)(C) along with two letters (b) (6), (b) (7)(C) wrote back to (b) (6), (b) (7)(C) which (b) (6), (b) (7)(C) replied to in a timely fashion (b) (6), (b) (7)(C) response was to give (b) (6), (b) (7)(C)



(b) (6), (b) (7)(C) gave permission to investigate (b) (6), (b) (7)(C) complaint, but (b) (6), (b) (7)(C) has not received a response from (b) (6), (b) (7)(C) and the situation remains unchanged.

Remedy: To place into the union of my craft as an (b) (6), (b) (7)(C) which is 1694, and also to get my PMTA union card that I have never received, which was promised to me by the merger. I would also like to get my retirement benefits paid into by GT-USA, as of 2018, I have not received a raise or any form of retirement benefits. I would also want them to give me my equal work, equal pay, and equal benefits which I won at the District Council Hearing on November 7th, 2018, but never received it to this day. I would like to receive the same benefits that the 1694 members are getting which are health benefits, annuity, vacation based on my seniority of 16 years, and my freedom of movement to work whenever and wherever I want. I would also want to continue working as a (b) (6), (b) (7)(C) in 1694, without being prejudiced against or kicked out of the hiring hall for trying to get a job as a (b) (6), (b) (7)(C) and without being told to throw away my casual card.

3. Name of Employer:  
GT USA Wilmington, LLC

4a. Tel No: 302-494-9797  
4b. Cell No:  
4c. e-Mail:

5. Location of plant involved:  
1 Hausel Road, Wilmington, DE 19801

6. Employer Representative to Contact:  
Tiffany Wiggins - Human Resources

7. Type of Establishment:  
Dock

8. Identify principal product or service:  
Dock Work

9. Number of Workers Employed;  
200

10. Full name of the party filing charge:  
(b) (6), (b) (7)(C)

11. Address of party filing charge;

(b) (6), (b) (7)(C)

11a. Tel No: (b) (6), (b) (7)(C)

11b. e-Mail: (b) (6), (b) (7)(C)

Signature

(b) (6), (b) (7)(C)

Date: 3/24/2022



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658



Download  
NLRB  
Mobile App

March 28, 2022

**(b) (6), (b) (7)(C)**

ILA, Local 1883  
200 S. Claymont Street  
Wilmington, DE 19801

**(b) (6), (b) (7)(C)**

ILA, Local 1884  
200 S. Claymont Street  
Wilmington, DE 19801

Stephen Knott, Secretary-Treasurer  
International Longshoremen's Association  
5000 West Side Avenue, Suite 300  
North Bergen, NJ 07047

William Ashe, Pres. Local 1694 and VP ILA  
ILA Local 1694  
200 S. Claymont Street  
Wilmington, DE 19801

Re: ILA and its Locals 1694, 1883 and 1884  
(GT USA Wilmington, LLC)  
Case 04-CB-280810

**(b) (6), (b) (7)(C)**, Mr. Knott and Mr. Ashe:

Enclosed is a copy of the second amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Examiner KATHLEEN O'NEILL whose telephone number is (215)597-7645. If the agent is not available, you may contact Supervisory Attorney NOELLE M. REESE whose telephone number is (215)597-0729.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the second amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to

March 28, 2022

take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Very truly yours,

A handwritten signature in cursive script that reads "Thomas Goonan".

Thomas Goonan  
Regional Director

Enclosure: Copy of second amended charge



cc: Lance Geren, Esquire  
O'Donoghue & O'Donoghue, LLP  
325 Chestnut Street, Suite 600  
Philadelphia, PA 19106

Daniel J. Keenan, Esquire  
O'Donoghue & O'Donoghue, LLP  
325 Chestnut Street, Suite 600  
Philadelphia, PA 19106

Daniel Wolff, Esquire  
Marrinan & Mazzola Mardon, P.C.  
26 Broadway, 17th Floor  
New York, NY 10004-1814

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**ILA AND ITS LOCALS 1694,1883 AND 1884  
(GT USA WILMINGTON, LLC)**

Charged Party

and

**(b) (6), (b) (7)(C)**

Charging Party

Case 04-CB-280810

**AFFIDAVIT OF SERVICE OF SECOND AMENDED CHARGE AGAINST LABOR  
ORGANIZATION**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **March 28, 2022**, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

**(b) (6), (b) (7)(C)**

ILA, Local 1883  
200 S. Claymont Street  
Wilmington, DE 19801

Lance Geren, Esquire  
O'Donoghue & O'Donoghue, LLP  
325 Chestnut Street, Suite 600  
Philadelphia, PA 19106  
[lgeren@odonoghuelaw.com](mailto:lgeren@odonoghuelaw.com)

**(b) (6), (b) (7)(C)** Local 1884

ILA, Local 1884  
100 S. Claymont Street  
Wilmington, DE 19801

Daniel J. Keenan, Esquire  
O'Donoghue & O'Donoghue, LLP  
325 Chestnut Street, Suite 600  
Philadelphia, PA 19106  
[dkeenan@odonoghuelaw.com](mailto:dkeenan@odonoghuelaw.com)

William Ashe, Pres. Local 1694 and VP ILA  
ILA Local 1694  
200 S. Claymont Street  
Wilmington, DE 19801

Stephen Knott, Secretary-Treasurer  
International Longshoremens Association  
5000 West Side Avenue, Suite 300  
North Bergen, NJ 07047

Daniel Wolff, Esquire  
Marrinan & Mazzola Mardon, P.C.  
26 Broadway, 17th Floor  
New York, NY 10004-1814  
[dwolff@mmmpc.com](mailto:dwolff@mmmpc.com)

---

March 28, 2022

Date

---

Lorraine Y. Murray  
Designated Agent of NLRB

Name

---

/s/ Lorraine Y. Murray

Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658



Download  
NLRB  
Mobile App

March 28, 2022

(b) (6), (b) (7)(C)

Re: ILA and its Locals 1694,1883 and 1884  
(GT USA Wilmington, LLC)  
Case 04-CB-280810

Dear (b) (6), (b) (7)(C):

We have docketed the second amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Examiner KATHLEEN O'NEILL whose telephone number is (215)597-7645. If the agent is not available, you may contact Supervisory Attorney NOELLE M. REESE whose telephone number is (215)597-0729.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the second amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a

March 28, 2022

written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas Goonan".

Thomas Goonan  
Regional Director



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658



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March 28, 2022

Tiffany Wiggins, Human Resources  
GT USA Wilmington, LLC  
1 Hausel Road  
Wilmington, DE 19801

Re: ILA and its Locals 1694,1883 and 1884  
(GT USA Wilmington, LLC)  
Case 04-CB-280810

Dear Ms. Wiggins:

Enclosed is a copy of the second amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Examiner KATHLEEN O'NEILL whose telephone number is (215)597-7645. If the Board agent is not available, you may contact Supervisory Attorney NOELLE M. REESE whose telephone number is (215)597-0729.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, if the Board agent asks you for evidence with respect to the allegations in the second amended charge, I urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn

March 28, 2022

statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "Thomas Goonan". The signature is written in a cursive, flowing style.

Thomas Goonan  
Regional Director

Enclosure: Copy of second amended charge



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658

September 15, 2022

(b) (6), (b) (7)(C)

Re: ILA and its Locals 1694, 1883 and 1884  
(GT USA Wilmington, LLC)  
Case 04-CB-280810

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge, as amended, that International Longshoreman's Association (ILA) and its Locals 1694, 1883, and 1884 have violated the National Labor Relations Act.

**Decision to Partially Dismiss:** Based on the investigation, I have decided to dismiss certain allegations in your charge for the reasons discussed below.

Your charge alleges that (ILA) and its Locals 1694, 1883 and 1884 violated Section 8(b)(1)(A) and (2) of the Act by (1) unlawfully failing to place you in the local of your craft following the dissolution of ILA Local 1694-1 and the merger of Local 1694-1 into Locals 1694, 1883 and 1884; (2) operating a hiring hall in manner that is arbitrary, discriminatory, or in bad faith by refusing to refer you for (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C); (3) attempting to cause and causing GT-USA to not use you for (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) for reasons other than the failure to pay uniformly required fees and dues; and (4) barring you from working at GT-USA and the Delaware River Stevedore and removing you from the port. The investigation disclosed that you were a member of Local 1694-1, classified as a (b) (6), (b) (7)(C) mainly operating a forklift, from about (b) (6), (b) (7)(C) through about March 16, 2021. Beginning around the summer of 2020, while maintaining your Local 1694-1 membership, you frequently worked as a casual operating a (b) (6), (b) (7)(C) through referrals from Local 1694's hiring hall. On about March 16, 2021, Local 1694-1 was dissolved by the ILA and members of Local 1694-1 were placed into Locals 1694, 1883, and 1884, which serve the Port of Wilmington, Delaware. The former Local 1694-1 members were to maintain their seniority position for work within the jurisdiction of Local 1694-1 prior to the dissolution. You were assigned to Local 1884, but you believe that you should have been placed in Local 1694 because you had been working as a casual out of Local 1694 for approximately one year. In addition, you contend that you did not perform (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) which according to the terms of the merger agreement, would dictate placement in Local 1884. However, the investigation disclosed that members of the former Local 1694-1 were placed into the three locals based on the terms of the merger, the members' craft functions while in Local 1694-1, and the need to balance the size of each local. Many former Local 1694-1 members did not squarely fit into a local based on their job classification and work history. Accordingly, you and approximately 25 other former Local 1694-1 members with the (b) (6), (b) (7)(C) were assigned to Local 1884. As you were treated similarly as others with your job classification, I do not find that the ILA and its Locals



1694, 1883, and 1884 acted on the basis of arbitrary, irrelevant, or invidious considerations when placing you into Local 1884 instead of Local 1694. *Vaca v. Sipes*, 386 U.S. 171 (1967). The investigation also disclosed insufficient evidence that ILA, Local 1883, and Local 1884 violated the Act in any other manner alleged in the charge. Although you claim that they operated a hiring hall in an unlawful manner and refused to refer you to work assignments, your efforts to obtain work were through Local 1694, rather than Local 1883 or Local 1884. No evidence was presented that ILA, Local 1883 or Local 1884 attempted to cause and caused GT-USA not to use you for (b) (6), (b) (7)(C) for reasons other than the failure to tender uniformly required initiation fees and periodic dues, or barred you from working with GT-USA and the Delaware River Stevedores (DRS) and removed you from the port. With respect to the allegations against the ILA, it is well settled that international unions are not to be held liable for the acts of their locals purely on the basis of the relationships between them. *California Saw and Knife Works*, 320 NLRB 224 (1995). Accordingly, I am refusing to issue complaint on these charge allegations.

The remaining allegations that Local 1694 violated Section 8(b)(1)(A) and (2) of the Act by: (1) operating a hiring hall in manner that was arbitrary, discriminatory, or in bad faith by refusing to refer you for (b) (6), (b) (7)(C) work and (b) (6), (b) (7)(C); (2) attempting to cause and causing GT-USA to not use you for (b) (6), (b) (7)(C) work and (b) (6), (b) (7)(C) for reasons other than the failure to pay uniformly required fees and dues; and m working at GT-USA and the Delaware River Stevedore and removing you from the port, remain subject to further processing.

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible. Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at [www.nlr.gov](http://www.nlr.gov). See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at [www.nlr.gov](http://www.nlr.gov). If you require additional assistance with E-Filing, please contact [e-filing@nlrb.gov](mailto:e-filing@nlrb.gov).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me. The main telephone number for the Office of Appeals is **(202)273-3760**.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

**Appeal Due Date:** The appeal is due on **September 29, 2022**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service

no later than **September 28, 2022**. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before September 29, 2022**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlr.gov](http://www.nlr.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **September 29, 2022, even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

/s/ *Emily DeSa*

Emily DeSa  
Acting Regional Director

Enclosure

cc: Tiffany Wiggins, Human Resources  
GT USA Wilmington, LLC  
1 Hausel Road  
Wilmington, DE 19801

**(b) (6), (b) (7)(C)**

ILA, Local 1883  
200 S. Claymont Street  
Wilmington, DE 19801

Lance Geren, Esquire  
O'Donoghue & O'Donoghue, LLP  
325 Chestnut Street, Suite 600  
Philadelphia, PA 19106

Daniel J. Keenan, Esquire  
O'Donoghue & O'Donoghue, LLP  
325 Chestnut Street, Suite 600  
Philadelphia, PA 19106

Stephen Knott, Secretary-Treasurer  
International Longshoremen's Association  
5000 West Side Avenue, Suite 300  
North Bergen, NJ 07047

Daniel Wolff, Esquire  
Marrinan & Mazzola Mardon, P.C.  
26 Broadway, 17th Floor  
New York, NY 10004-1814

William Ashe, Pres. Local 1694  
and VP ILA  
ILA Local 1694  
200 S. Claymont Street  
Wilmington, DE 19801

**(b) (6), (b) (7)(C)**  
ILA, Local 1884  
200 S. Claymont Street  
Wilmington, DE 19801

Vlad Kachka, Esquire  
Spear Wilderman P.C.  
230 S. Broad Street, Suite 1400  
Philadelphia, PA 19102

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**APPEAL FORM**

To: General Counsel  
Attn: Office of Appeals  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

**ILA and its Locals 1694,1883 and 1884 (GT USA Wilmington, LLC)**

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Case Name(s).

**04-CB-280810**

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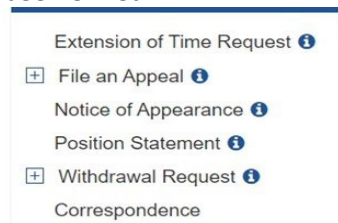
Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

---

*(Signature)*

## E-FILING TO APPEALS

1. **Extension of Time:** This document is used when the Charging Party is asking for more time to efile an Appeal.
  - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
  - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
2. **File an Appeal:** If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
  - Only **one (1) Appeal** can be e-filed to **each** determination in the Region's decision letter that is received.
  - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
3. **Notice of Appearance:** Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
  - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
  - This document can be e-filed **before** an Appeal is e-filed.
4. **Correspondence:** Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
  - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
5. **Position Statement:** The Charging Party or Charged Party may e-file a Position Statement.
  - The Charging Party will e-file this document as a supplement of the Appeal.
  - The Charged Party will specifically file one to support the Region's decision.
  - This document should be e-filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
6. **Withdrawal Request:** If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
  - This document should be e-Filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.
8. If you need to contact the Office of Appeals, please call **(202)273-3760**.



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
OFFICE OF THE GENERAL COUNSEL  
Washington, DC 20570

September 30, 2022

(b) (6), (b) (7)(C)

Re: ILA and its Locals 1694,1883 and 1884  
(GT USA Wilmington, LLC)  
Case 04-CB-280810

Dear (b) (6), (b) (7)(C):

We have received your timely appeal from the Region's decision in the above-captioned case. We will assign your appeal for processing in accordance with Agency procedures. Please be assured that our review of this matter will include a full analysis of the underlying investigatory file, your appeal, as well as current Board law and processes.

We will notify you and all involved parties of our decision by letter via email as permitted under Section 102.4(c) of the Board's *Rules and Regulations*. If an email address is not available for you, we will provide the decision by mail.

Sincerely,

Jennifer A. Abruzzo  
General Counsel

A handwritten signature in black ink, reading "Mark E. Arbesfeld", is positioned above the typed name of the Director of Appeals.

By: \_\_\_\_\_

Mark E. Arbesfeld, Director  
Office of Appeals

cc: THOMAS GOONAN  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS  
BOARD  
100 E PENN SQ STE 403  
PHILADELPHIA, PA 19107

TIFFANY WIGGINS  
HUMAN RESOURCES  
GT USA WILMINGTON, LLC  
1 HAUSEL RD  
WILMINGTON, DE 19801

(b) (6), (b) (7)(C)  
ILA, LOCAL 1883  
200 S CLAYMONT ST  
WILMINGTON, DE 19801

LANCE GEREN, ESQ.  
O'DONOGHUE & O'DONOGHUE, LLP  
325 CHESTNUT ST STE 600  
PHILADELPHIA, PA 19106

VLAD KACHKA, ESQ.  
SPEAR WILDERMAN P.C.  
230 S BROAD ST STE 1400  
PHILADELPHIA, PA 19102

DANIEL J. KEENAN, ESQ.  
O'DONOGHUE & O'DONOGHUE, LLP  
325 CHESTNUT ST STE 600  
PHILADELPHIA, PA 19106

STEPHEN KNOTT  
SECRETARY-TREASURER  
INTERNATIONAL LONGSHOREMEN'S  
ASSOCIATION  
5000 W SIDE AVE STE 300  
NORTH BERGEN, NJ 07047

(b) (6), (b) (7)(C)  
ILA, LOCAL 1884  
200 S CLAYMONT ST  
WILMINGTON, DE 19801

DANIEL WOLFF, ESQ.  
MARRINAN & MAZZOLA  
MARDON, P.C.  
26 BROADWAY 17TH FL  
NEW YORK, NY 10004-1814

WILLIAM ASHE, PRES. LOCAL 1694  
AND VP ILA  
ILA LOCAL 1694  
200 S CLAYMONT ST  
WILMINGTON, DE 19801

vrn

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD		DO NOT WRITE IN THIS SPACE	
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		Case	Date filed
		04-CB-304069	9/26/22
<b>INSTRUCTIONS:</b> File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name International Longshoremens Association, and ILA, Local 1694		b. Union Representative to Contact William Ashe President of Local 1694 and Vice President of ILA (International)	
c. Address for Local 1694 (b) (6), (b) (7)(C) Wilmington, DE 19801 <i>500 S. Claymont St. Wilm DE 19801</i> Address for International Longshoremen's Association: 5000 West Side Avenue, Suite 300, North Bergen, NJ 07047		d. Tel. No.	e. e. Cell No. (b) (6), (b) (7)(C)
		f. Fax No.	g. e-Mail
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) and (2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since about August 30, 2022, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to represent employees formerly part of Local 1694-1 by seeking to exclude them from Local 1694, which has a collective bargaining agreement with the Employer, for arbitrary or discriminatory reasons or in bad faith.			
3. Name of Employer GT USA Wilmington, LLC		4a. Tel. No.	4b. Cell No.
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 1 Hausel Road, Wilmington, DE 19801		6. Employer representative to contact	
7. Type of Establishment (factory, mine, wholesaler) Port	8. Principal product or service Port services		9. Number of Workers employed
10. Full name of party filing charge (b) (6), (b) (7)(C)	11a. Tel. No. (b) (6), (b) (7)(C)	11b. Cell No. (b) (6), (b) (7)(C)	
	11c. Fax No.	11d. e-Mail (b) (6), (b) (7)(C)	
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By: (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Tel. No.	
(signature)	Print/type name and title or office, if any	Cell No. (b) (6), (b) (7)(C)	
Address: (b) (6), (b) (7)(C)	Date: 9/23/2023	Fax No.	
		e-Mail (b) (6), (b) (7)(C)	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**  
**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658



Download  
NLRB  
Mobile App

September 26, 2022

William Ashe, Vice President  
International Longshoremens Association  
5000 West Side Avenue, Suite 300  
North Bergen, NJ 07047

William Ashe, President  
ILA Local 1694  
200 S. Claymont Street  
Wilmington, DE 19801

Re: International Longshoremens Association  
and ILA, Local 1694  
(GT USA Wilmington, LLC)  
Case 04-CB-304069

Dear Mr. Ashe:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney DAVID RODRIGUEZ whose telephone number is (215)597-7657. If this Board agent is not available, you may contact Supervisory Attorney NOELLE M. REESE whose telephone number is (215)597-0729.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of

September 26, 2022

the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Correspondence:** All documents submitted to the Region regarding your case MUST be filed through the Agency's website, [www.nlrb.gov](http://www.nlrb.gov). This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

September 26, 2022

If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

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\* \* \*

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



Thomas Goonan  
Regional Director

Enclosure: Copy of Charge

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**INTERNATIONAL LONGSHOREMENS  
ASSOCIATION AND ILA, LOCAL 1694 (GT USA  
WILMINGTON, LLC)**

Charged Party

and

**(b) (6), (b) (7)(C)**

Charging Party

**Case 04-CB-304069**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION**

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 26, 2022, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

William Ashe, Vice President  
International Longshoremens Association  
5000 West Side Avenue, Suite 300  
North Bergen, NJ 07047

William Ashe, President  
ILA Local 1694  
200 S. Claymont Street  
Wilmington, DE 19801

September 26, 2022

Date

Lorraine Y. Murray  
Designated Agent of NLRB

Name

/s/ Lorraine Y. Murray

Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658



Download  
NLRB  
Mobile App

September 26, 2022

(b) (6), (b) (7)(C)

Re: International Longshoremens Association  
and ILA, Local 1694  
(GT USA Wilmington, LLC)  
Case 04-CB-304069

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on September 26, 2022 has been docketed as case number 04-CB-304069. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney DAVID RODRIGUEZ whose telephone number is (215)597-7657. If this Board agent is not available, you may contact Supervisory Attorney NOELLE M. REESE whose telephone number is (215)597-0729.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Correspondence:** All documents submitted to the Region regarding your case MUST be filed through the Agency's website, [www.nlr.gov](http://www.nlr.gov). This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

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September 26, 2022

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Thomas Goonan". The signature is written in a cursive, flowing style.

Thomas Goonan  
Regional Director



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

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Download  
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Mobile App

September 26, 2022

GT USA Wilmington, LLC  
1 Hausel Road  
Wilmington, DE 19801

Re: International Longshoremens Association  
and ILA, Local 1694  
(GT USA Wilmington, LLC)  
Case 04-CB-304069

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.



If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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September 26, 2022

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Very truly yours,



Thomas Goonan  
Regional Director

Enclosures

1. Copy of Charge
2. Commerce Questionnaire

## QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER  
04-CB-304069

## 1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

## 2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )

## 3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION  
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

## 4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

## 5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

## 6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

## 7A. PRINCIPAL LOCATION:

## 7B. BRANCH LOCATIONS:

## 8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES \_\_\_\_\_)

YES

NO

A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$ \_\_\_\_\_

B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ \_\_\_\_\_

C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ \_\_\_\_\_

D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ \_\_\_\_\_

E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ \_\_\_\_\_

F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ \_\_\_\_\_

G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ \_\_\_\_\_

H. Gross Revenues from all sales or performance of services (Check the largest amount)

☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.

I. Did you begin operations within the last 12 months? If yes, specify date: \_\_\_\_\_

## 10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

## 11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

## 12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.